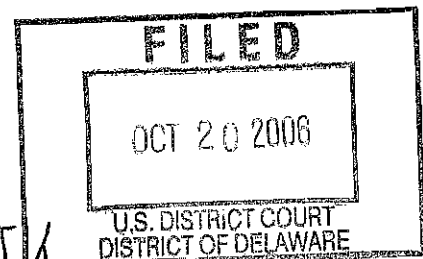


IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MANUEL NIEVES,
PETITIONER,

Civ. Act. No. 06-320-GMS

THOMAS L. CARROLL, WARDEN AND CARL C.
DANBERG, ATTORNEY GENERAL FOR THE
STATE OF DELAWARE,
RESPONDENTS



Motion For An Extension Of Time

COMES NOW, THE PETITIONER, MANUEL NIEVES, PRO SE, AN INCARCERATED INMATE AT THE DELAWARE CORRECTIONAL CENTER, SMYRNA, DE. WHO MOVES THIS HONORABLE COURT UNDER THE GOVERNING SECTION 2254 ACTIONS, 28 U.S.C. § 2254, SEEKING A GRANT FOR AN EXTENSION OF TIME PURSUANT WITH THIS COURT'S CIVIL RULES OF PROCEDURES, RULE 12(A) THROUGH 12(C). IN SUPPORT OF THIS MOTION, THE FOLLOWING IS ASSERTED.

1. THE PETITIONER FILED HIS INSTANT PETITION FOR HABEAS CORPUS RELIEF ON MAY 29, 2006.

2. THE STATE FILED THEIR ANSWER TO THE PETITIONER'S PETITION ON AUGUST 28, 2006, ENFORCING THAT HE WAS NOT ENTITLED TO HABEAS CORPUS RELIEF AS BEING UNTIMELY UNDER 28 U.S.C. § 2244(D).

3. ON SEPTEMBER 21, 2006, THE PETITIONER FILED HIS REPLY IN WHICH HE REQUESTED AT THE LEAST A STAY OF JUDGMENT UNDER 28 U.S.C. § 2253(c)(3) APPLICABLE TO THIS CASE UNDER Stubbs v. City of Baxley, 352 U.S. 313, 318-320 (1958); LAWRENCE V. FLORIDA, No. 82-8820, AND

LAWRIE V. SNYDER, 9 F. Supp. 2d 428, 434 (D. Del. 1998) (EXCUSED FROM SATISFYING THE EXHAUSTION REQUIREMENT).

4. On September 28, 2006, this Court issued an order granting to the PETITIONER permission to proceed on review of Habeas Corpus. It is now, the PETITIONER requests the Honorable Court to consider the following:

A. The PETITIONER is limited to two (2) law library appointments (per) week, at a hour and a half each. However, both are not guaranteed due to limited seating.

B. The PETITIONER is unskilled in the law, and his claims are not only complex in nature. But as they currently stands needs to be AMENDED

C. The PETITIONER is further uneducated in the English language and needs an interpreter.

D. Due to the PETITIONER'S ENABILITIES IN RESEARCHING ISSUES AND THE COMPLEXITY OF HIS CLAIMS. THE PETITIONER BELIEVES THAT IT IS FULLY IN THE INTEREST OF JUSTICE AT THIS TIME, TO GRANT HIM AN ADDITION 42 days to AMEND AND bring forth those claims before this Court.

Moreover, the State should not have any objections to the PETITIONER'S REQUESTS BASED ON THE MERITS.

Dated: October 17, 2006

Manuel Nieves

MANUEL NIEVES #464793

DELAWARE CORRECTIONAL CENTER

1181 Paddock Road

SMYRNA, DE 19977

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE


MANUEL NIEVES,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 06-320-GMS
)	
THOMAS CARROLL,)	
Warden, and CARL C.)	
DANBERG, Attorney)	
General of the State of)	
Delaware,)	
)	
Respondents.)	

ORDER

At Wilmington this 28th day of September, 2006;

IT IS ORDERED that:

Petitioner Manuel Nieves' motion to proceed *in forma pauperis* is GRANTED. (D.I. 1.)


UNITED STATES DISTRICT JUDGE

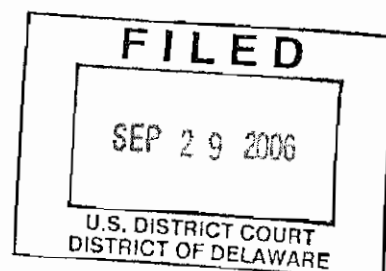


Exhibit (A)

Certificate of Service

I, MANUEL NIEVES, hereby certify that I have served a true

And correct cop(ies) of the attached: Motion For Extension Of Time / Amendment

_____ upon the following
parties/person (s):

TO: OFFICE OF THE CLERK
United States District Court
844 N. King Street, Lockbox 18
Wilmington, DE 19801-3578

TO: Elizabeth R. McFarlan
Deputy Attorney General
820 North French Street
Wilmington, DE 19801

TO: _____

TO: _____

BY PLACING SAME IN A SEALED ENVELOPE, and depositing same in the United States Mail at the Delaware Correctional Center, Smyrna, DE 19977.

On this 12 day of October, 2006

*manuel nieves

I/M Manuel Nieves
SBI# 469923 UNIT E
DELAWARE CORRECTIONAL CENTER
1181 PADDOCK ROAD
SMYRNA, DELAWARE 19977

WILMINGTON DE 197
19 OCT 2006 PM 2:40



Legal Mail

Office of the Clerk
United States District Court
844 North King St, Lockbox 18
Wilmington, Delaware
19801-3278

19801/3278

